

REMARKS

Claims 1-40 are pending in the application. In response to the Restriction Requirement set forth in the Office Action mailed March 8, 2006, Applicant hereby elects with traverse Group I, claims 1-4, 8-13, and 14-18 drawn, *inter alia*, to compositions comprising one or more immunogenic portions from one or more Group A streptococci serum opacity factor(s) (SOF) [claims 1-4], compositions comprising one or more common immunogenic *S. pyogenes* SOF epitope [claim 8], fusion proteins comprising two or more immunogenic portions of one or more *S. pyogenes* serum opacity factor polypeptide [claims 9-10], fusion proteins comprising one or more immunogenic portions of an *S. pyogenes* serum opacity factor polypeptide and one or more immunogenic portions of a non-SOF *S. pyogenes* polypeptide [claims 11-13], cocktails comprising two or more immunogenic portions of two or more *S. pyogenes* serum opacity factor polypeptides [claims 14-15], and cocktails comprising one or more immunogenic portion of an *S. pyogenes* serum opacity factor polypeptide and one or more immunogenic portion of a non-SOF *S. pyogenes* polypeptide [claims 16-18]. Applicant further elects the species SOF 2 disclosed in the instant application as SEQ ID NO: 1 for examination at this time. Further, in view of this species election, Applicant requests consideration of claims to additional species that, written in independent form or otherwise, include all limitations of a later allowed generic claim as provided by 37 CFR § 1.141.

Applicant notes that the Examiner has required restriction between product and process claims. As pointed out by the Examiner on p. 5 of the pending Restriction Requirement, where Applicant elects claims directed to a product, as is the case in the instant Amendment and Response to Restriction Requirement, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claims are to be rejoined, as a matter of right, in accordance with the provisions of MPEP § 821.04. Applicant reserves the right to amend any such process claims during prosecution to ensure that they either depend from one or more product claim under examination and/or include each of the limitations of such product claim(s).

By this Amendment and Response, claim 14 is amended to correct a typographical error. By this amendment, no new matter is added to the application

Favorable consideration of the present application and the elected claims is respectfully requested and a Notice of Allowance are earnestly solicited. The Examiner is urged to contact the undersigned attorney if there are any questions prior to allowance of this matter.

Dated: May 2, 2006

Respectfully submitted,

By Gary M. Myles
 Gary M. Myles, Ph.D.
 Registration No.: 46,269
DARBY & DARBY P.C.
 P.O. Box 5257
 New York, New York 10150-5257
 (206) 262-8900
 (212) 527-7701 (Fax)
 Attorneys/Agents For Applicant